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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA — SAN JOSE DIVISION**

11 DARLENE ROWLEY,
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13 Plaintiff,

14 vs.

15 EQUIFAX, INC.; et. al.,
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17 Defendants.
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Case No.: 5:15-CV-04334-RMW

**STIPULATED REQUEST FOR
DISMISSAL OF DEFENDANT
CAPITAL ONE BANK (USA), N.A.,
ERRONEOUSLY SUED AS
CAPITAL ONE, NATIONAL
ASSOCIATION; [PROPOSED]
ORDER**

TO THE COURT, CLERK OF COURT, AND ALL PARTIES:

IT IS HEREBY STIPULATED by and between plaintiff Darlene Rowley and defendant Capital One Bank (USA), N.A. ("Capital One"), erroneously sued as Capital One, National Association, that Capital One be dismissed from this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2), and that each party shall bear its own attorneys' fees and costs.

DATED: April 27, 2016

Sagaria Law, P.C.

By: /s/ Elliot W. Gale

Elliot W. Gale

Attorneys for Plaintiff

Darlene Rowley

DATED: April 27, 2016

Doll Amir & Eley LLP

By: /s/ Chelsea L. Diaz

Attorneys for Defendant

Capital One Bank (USA), N.A.

I, Elliot Gale, am the ECF user whose identification and password are being used to file this Stipulation. I hereby attest that Chelsea Diaz has concurred in this filing.

/s/ Elliot Gale

[PROPOSED] ORDER

Pursuant to the stipulation of the Parties, Capital One is dismissed with prejudice.

IT IS SO ORDERED.

DATED: _____

RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE